

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 08-11623

v.

Honorable Sean F. Cox

FIVE HUNDRED TWENTY THREE
THOUSAND EIGHT HUNDRED EIGHTY
FOUR DOLLARS AND SEVENTY ONE CENTS
(\$523,884.71) FROM STATE BANK OF INDIA
ACCOUNT NO. 729400091,

Defendant *In Rem*.

OPINION & ORDER
GRANTING MOTION FOR DEFAULT JUDGMENT

This forfeiture action is currently before the Court on the Government's Motion for Default Judgment. For the reasons set forth below, the motion shall be **GRANTED**.

On April 16, 2008, the Government filed this *in rem* civil forfeiture action, pursuant to 18 U.S.C. § 981(a)(1)(A) and/or 18 U.S.C. § 981(a)(1)(C), seeking forfeiture of defendant property identified as five hundred twenty three thousand eight hundred eighty four dollars and seventy one cents ("the Money"), currently being held in account number 729400091 at the State Bank of India (California) ("the Account"). The Money in the Account was seized by the FBI on or about March 14, 2007, as property involved in a transaction in violation of 18 U.S.C. § 1956(c)(7), specifically Health Care Fraud (18 U.S.C. § 1347) and/or Wire Fraud (18 U.S.C. § 1343), or is property traceable to such violations. The Account is in the name of Shafiulla Abdul Hanif ("the Defendant"), who has since been indicted with Health Care Fraud in violation of 18

U.S.C. § 1347. (Complaint, p.10). Defendant's whereabouts are currently unknown, as he failed to appear for a sentencing hearing on January 23, 2008, and a warrant for his arrest was issued January 24, 2008. The FBI currently considers him a fugitive abroad. (Complaint, p.10).

On July 11, 2008, the Government filed the instant motion seeking entry of default judgment pursuant to F.R.C.P. 55(b)(2). In its motion, the Government states that: 1) copies of the Complaint for Forfeiture and Warrant of Arrest and Notice In Rem were served upon the Defendant's counsel from the criminal case, Mr. Allen M. Wolf, by both regular and certified mail (defense counsel advised the Government he no longer represents the Defendant, and hasn't heard from him in some time); 2) certified and regular mailings to the Defendant's last known address of record were returned by the U.S. Postal Service marked "Moved Left No Address;" 3) notice of this action was published in the Detroit Legal News on May 2, 2008, May 9, 2008, and May 16, 2008, directing any person claiming an interest in the Money or the Account to file a verified claim within thirty-five (35) days from the last date of publication, and an answer to the complaint within twenty (20) days thereafter; and 4) notice of this action was published for at least thirty (30) days on www.forfeiture.gov, an official government internet site, beginning on April 17, 2008, directing any person claiming an interest in the Money or the Account to file a verified claim within sixty (60) days of the notice and an answer to the complaint (Motion, p.3-4). To date, no verified claims have been filed in this action by the Defendant, or any other persons, within the time period for doing so.

A Clerk's entry of Default as to the Money and the Account was entered on July 7, 2008. In support of its Motion for Default Judgment as to the Money and the Account against all parties and a final order of forfeiture, the Government has also submitted an Affidavit of

Majority, Non-Incompetence, and Non-Military Status that indicates that based upon an investigation by the Federal Bureau of Investigation, the Defendant is not a minor, is not presently serving in the military, and is not an incompetent person. (Motion, Ex.A).

This Court held a hearing on the Government's Motion for Default Judgment on October 2, 2008. Although the Government appeared for the hearing, no persons claiming an interest to the Money or the Account, or opposing the Government's motion, appeared at the hearing. In addition, no written opposition to the Government's motion has been filed by any party.

Having reviewed the Motion, the Court is satisfied that the Government is entitled to entry of a default judgment in this matter. IT IS THEREFORE ORDERED that the Government's Motion for Entry of Default Judgment is GRANTED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: October 8, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 8, 2008, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager